

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

AMERICAN GREETINGS) CASE NO. 1:09-CV-1056
CORPORATION, *et al.*,)
Plaintiffs,)
v.) JUDGE JAMES GWIN
COOKIE JAR ENTERTAINMENT, INC.,)
et al.)
Defendants.)
)

AND

MOONSCOOP SAS,) Case 1:09-CV-01885-JG
Plaintiff,)
v.)
AMERICAN GREETINGS) JUDGE JAMES S. GWIN
CORPORATION,)
Defendant/Third-)
Party Plaintiff,)
v.)
COOKIE JAR ENTERTAINMENT, INC.,)
Third-Party)
Defendant.)
)

**AMERICAN GREETINGS CORPORATION'S AND THOSE CHARACTERS FROM
CLEVELAND, INC.'S MOTION FOR LEAVE TO FILE SEPARATE MOTIONS FOR
SUMMARY JUDGMENT AGAINST THE COOKIE JAR PARTIES AND MOONSCOOP
AND TO EXCEED THE PAGE LIMITATION BY 5 PAGES**

American Greetings Corporation (“American Greetings”) is preparing to file a Motion for Summary Judgment seeking dismissal of the claims filed against it by MoonScoop SAS (“MoonScoop”). American Greetings and Those Characters From Cleveland, Inc. (“Those Characters”) are also preparing to file a Motion for Partial Summary Judgment seeking dismissal of numerous counts of the counterclaims filed against them by Cookie Jar Entertainment, Inc. and Cookie Jar Entertainment (USA) Inc. f/k/a/ DIC Entertainment Corporation (the “Cookie Jar Parties”). The Cookie Jar Parties’ claims against American Greetings and Those Characters are for fraud and conspiracy and breach of the 2001 License Agreement and the July 2008 Cookie Jar Letter Agreement. The claims brought by MoonScoop against American Greetings are for enforcement and breach of the March 2009 MoonScoop Term Sheet. Two separate motions are warranted in light of the two lawsuits at issue and the fact that there is very little, if any, overlap of legal and material factual issues between the Cookie Jar Parties’ claims and MoonScoop’s claims. Accordingly, American Greetings and Those Characters respectfully submit that the orderly presentation of these issues is best served by filing and briefing separate motions for summary judgment: one against the Cookie Jar Parties and a second against MoonScoop.

In addition, American Greetings respectfully requests leave to slightly exceed the 20-page limitation with respect to both of the briefs supporting its motions for summary judgment. MoonScoop has indicated that it will be filing a cross-motion for partial summary judgment on its claims against American Greetings. Accordingly, the parties’ cross-motions on those issues may well decide all claims between them, and a more complete presentation will best serve judicial economy and the administration of justice.

Moreover, American Greetings and Those Characters are moving for summary judgment on at least four of Cookie Jar's counterclaims, which involve tort claims and claims for breaches of two different contracts. American Greetings therefore seeks leave to slightly exceed the page limitation by 5 pages for each of the briefs supporting its motions for summary judgment.

For good cause shown and in the interests of justice, American Greetings and Those Characters request that this motion be granted.

Respectfully submitted,

s/Damond R. Mace

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CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2010, a copy of foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/Damond R. Mace

One of the Attorneys for American
Greetings Corporation and Those
Characters From Cleveland, Inc.